

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FERNANDO HERNANDEZ, KENNETH CHOW,
BRYANT WHITE, DAVID WILLIAMS,
MARQUIS ACKLIN, CECILIA JACKSON,
TERESA JACKSON, MICHAEL LATTIMORE, *and*
JUANY GUZMAN, *each individually, and on behalf of*
all other persons similarly situated,

12 CV 4339 (ALC)(JLC)

**NOTICE OF CROSS-
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Plaintiffs,

v.

THE FRESH DIET INC.,
LATE NIGHT EXPRESS COURIER SERVICES, INC. (FL),
FRESH DIET EXPRESS CORP. (NY),
THE FRESH DIET - NY INC. (NY),
FRESH DIET GRAB & GO, INC. (FL) AKA
YS CATERING HOLDINGS, INC. (FL) DBA
YS CATERING, INC. (FL),
FRESH DIET EXPRESS CORP. (FL),
SYED HUSSAIN, *individually,*
JUDAH SCHLOSS, *individually, and*
ZAIMI DUCHMAN, *individually,*

Defendants.
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PLEASE TAKE NOTICE that upon the accompanying Declaration of Walker G. Harman, Jr., the exhibits annexed thereto, Plaintiffs' Statement Pursuant to Local Civil Rule 56.1, and upon the pleadings and proceedings had herein, Plaintiffs respectfully intend to move this Court as soon as counsel can be heard, before the Honorable Andrew L. Carter, Jr. for an order pursuant to FED. R. CIV. P. 56, granting summary judgment on the issue of Plaintiffs' status as employees, and for such further relief that the Court may deem necessary and proper.

Dated: New York, New York
February 21, 2014

Respectfully submitted by:
THE HARMAN FIRM, PC
Counsel for Plaintiffs

s/ Walker G. Harman, Jr.
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